



North Dakota Law Review

Volume 44 | Number 1

Article 12

1967

Memorials

North Dakota Law Review

Follow this and additional works at: <https://commons.und.edu/ndlr>



Part of the [Law Commons](#)

Recommended Citation

North Dakota Law Review (1967) "Memorials," *North Dakota Law Review*: Vol. 44 : No. 1 , Article 12.

Available at: <https://commons.und.edu/ndlr/vol44/iss1/12>

This Memorial is brought to you for free and open access by the School of Law at UND Scholarly Commons. It has been accepted for inclusion in North Dakota Law Review by an authorized editor of UND Scholarly Commons. For more information, please contact und.common@library.und.edu.

introduced in the Senate and this contained certain revisions to the Uniform Gifts to Minors Act as then in effect in North Dakota, however a more careful examination reflected that the revision as contained in Senate Bill No. 98 was the 1965 revision and not the 1966 revision which contained additional changes. Representatives of the committee thereafter worked with members of the Legislature and we were successful in having the Bill amended to include the 1966 revisions. In addition thereto, a portion of the Small Estates Act pertaining to distribution of personal property, was also introduced in the House of Representatives as House Bill No. 758.

Of the aforementioned Uniform or Model Acts, the Revised Uniform Tax Lien Registration Act was enacted by the Legislature. The Revised Uniform Gifts to Minors Act (1966 version) was also passed and adopted by the 1967 Legislature. We were not successful in having the other bills passed or even introduced at the 1967 legislative session, however this was due primarily to the fact that the committee was without a chairman from early September of last year until the latter part of December when I was designated as chairman of this committee.

It is the intention of the Uniform Laws Committee of the State Bar Association to continue its efforts toward the adoption of the above cited Uniform and Model Acts, as well as any other uniform act which this committee or any member of the State Association feels is appropriate or needed in this state.

Respectfully submitted,

Fred E. Whisenand, Chairman

MEMORIALS

PAUL L. AGNEBERG

Paul L. Agneberg was born at Perth, North Dakota, on August 9, 1914, the son of Mr. and Mrs. Lars Agneberg. He attended grade and high school at Perth and graduated from the University of North Dakota School of Law in 1937.

He was director in charge of codifying the city ordinances of the cities of North Dakota, under a federal grant thereafter until May, 1940 when he served on the staff for the Code Revision Committee until October, 1942. This Committee developed what was later designated as the North Dakota Revised Code of 1943.

After serving in the United States Air Force from 1942 until 1945, he was appointed the first Executive Director of the Legislative Research Committee, serving in this capacity until July 1, 1947.

He returned to the county of his birth in 1947 when he purchased the law practice of J. J. Kehoe of Cando, North Dakota, who had been appointed to the District Bench.

It was at this same time that he married Ruthella Anderson of Bismarck and they embarked on his new practice together.

In addition to his law practice and public offices, Paul was active in all phases of community life. He served as Master of the Masonic Lodge, Commander of the American Legion, president of the Turtle Mountain Shrine

Club, and was active in many other fraternal and civic organizations, including the Elks and Cando Civic Club.

After a prolonged illness, on September 7, 1966, he passed on to that unseen home, that house not made by hands, eternal in the heavens.

His untimely passing left his widow and three children—Paula, Larry and Craig, his mother, one sister and two brothers—and a multitude of friends saddened by his passing, but all thankful for the opportunity to have known this fine person.

OSCAR B. BENSON

Oscar B. Benson, one of the highly respected members of the Bar of North Dakota, passed away on the 6th day of June, 1966, at Bottineau, North Dakota, where he had practiced the law profession since June, 1924. He was born June 18, 1898. Mr. Benson became a member of the North Dakota Bar in 1923. He first began his practice of law in Westhope, North Dakota, in 1923, moving from there to Bottineau in 1924, where he remained in business until his death.

Oscar was a man, mild of manner and soft spoken, but possessing a quality of sincerity and integrity immediately felt by all who got to know him. His whole manner and being radiated a personal interest and compassion for his fellow men, and his ever ready and warm hand clasp was well known to all who gained his acquaintance.

Oscar B. Benson was one of a large pioneer family, and grew to manhood near Upham, North Dakota. His education and graduation from the School of Law at the University of North Dakota, was in large measure a product of his own industry, initiative and sheer will power, since the meager financial circumstances of the pioneer Icelandic family precluded much cash assistance.

Oscar B. Benson was married to the former Olive Tate of Westhope, North Dakota, in 1926. To them were born two daughters, one of whom preceded him in death. Mrs. Benson and one daughter survive.

PAUL CAMPBELL

Paul Campbell, a long-time resident and attorney at Minot, North Dakota, passed away on April 18, 1967, at Palmdale, near Lancaster, California. He had retired and was living there with his son at the time of his decease. Mr. Campbell was an attorney of more than usual ability and was a devoted student of the law. He was forthright, industrious and thorough in research, an able trial lawyer and a colorful practitioner before the Court. Born in La Harpe, Hancock County, Illinois, January 14, 1881, he graduated from Chicago, Illinois High School, practiced law in Rugby, North Dakota from 1907 to 1922, thereafter practicing at Minot, North Dakota. His interest in public affairs was always keen and apparent.

He was appointed and served as Tax Commissioner of North Dakota and originated some of the forms that are still models in use in estate matters.

He married Alta Mae Brown; they had one son, J. Boyd Campbell who is now a doctor at Lancaster, California. Mr. and Mrs. Campbell celebrated their 57th Wedding Anniversary shortly before Mrs. Campbell's death in 1963.

Mr. Campbell was active in the fight to legalize the use of the drunkometer to test blood alcohol in persons arrested on charges concerning drunkenness. He worked hard to write into state law a minimum sentence for persons convicted of driving while under the influence of intoxicating liquor.

He labored unceasingly for good government, was a member of The Good Government League, the Ward County Bar Association, the State Bar Association, the Elks Lodge, and had served as the Noble Grand of the Inde-

pendent Order of Odd Fellows in Minot. He was City Prosecutor at Minot from 1954 to 1959 until illness forced his retirement.

Paul Campbell was truly one of the great champions of the cause of justice in this country. He won the respect and admiration of his fellow lawyers and fellow citizens by his repeated demonstration in his belief in justice for all people. When the unpopular client needed capable legal representation, he was always available. When an indigent needed help, he could depend upon representation by Mr. Campbell.

His loyalty to cause and his loyalty in friendship were exemplary. Never one to stand aloof when a personal right was threatened, he represented a courage and a vigor that brought distinction to the Bar.

HERMAN E. HALLAND

Herman E. Halland, former Williams County jurist and prominent Williston attorney, passed away March 4, 1967. Judge Halland was born December 22, 1894 in Hillsboro, North Dakota, the son of a Norwegian father and a Danish-German mother. At the age of seven, the family moved to Fargo where he attended public school and was graduated from North Dakota Agricultural College.

Following graduation from college, he entered the United States Naval Academy in Annapolis, Maryland, and retired from the Navy in 1946, after thirty years of service, which included active duty in World Wars I and II. Prior to his retirement from the Navy, in which he pioneered many phases of the use and development of military aircraft, he was commandant of the Naval Air Station at Corpus Christi, Texas, and was decorated by President Franklin D. Roosevelt with the Legion of Merit for war services.

On returning to North Dakota, which he always considered his home, he was associated for several years with Biglow Neal, representing farmers whose land was being condemned for the Garrison Reservoir. From 1951 through 1952, he maintained an office in Watford City, North Dakota, as an oil lease broker. Judge Halland moved to Williston in 1953 and became associated with his nephew, Richard Oftedal, as a clerk in his law office. In 1956, after reading law by himself, he passed the State Bar Examination and was admitted to the North Dakota Bar. Later in the same year, he was appointed Police Magistrate for the City of Williston. He was again elected to the post in 1958 and served in that capacity through 1960.

Judge Halland was instrumental in organizing the first Williams County Court in Increased Jurisdiction, having been elected to that judgeship in November of 1960. He served as County Judge from January of 1961 through December of 1966, having been re-elected in November of 1962 for an additional four year term.

The passing of Herman E. Halland deprived the city of Williston and the state of North Dakota of one of its most esteemed and colorful citizens, whose high ethics and compassionate counsel endeared him to all associates and those privileged to call him his friend.

JOHN E. HENDRICKSON

John E. Hendrickson was born at Richwood, Minnesota, on March 10th, 1884, and lived there until he was sixteen years of age, when he came to Moorhead to pursue his ambition and become a railway engineer. In his memoirs he reports that the work and duties preliminary to such position soon made him change his goal. Thereafter he was employed at various tasks in the Fargo-Moorhead area, and at the same time continued his education as rapidly as he was able to do so.

He was admitted to the North Dakota Bar in 1911, and practiced his profession as an attorney in Fargo ever since then, until the time of his death. During his lifetime he served as President of the Cass County Bar Association, and also as the State President of the North Dakota Bar Association. He was also admitted to practice before the United States Supreme Court and Federal District Court. Several citations were issued to him by the United States Government for the many years he served as Appeal Agent in the Selective Service System.

For a short time there were three Hendricks sons practicing law in the same firm in Fargo: Mr. John E. Hendrickson, his son, J. W. Hendrickson, and his grandson, J. W. Hendrickson, Jr.

During his lifetime, he also served as Potentate of El Zagal Temple of the Shrine, and he was a charter member of the Fargo-Moorhead Executive Club. He also held membership in the Masonic Lodge and in the First Baptist Church.

He died at the age of 82 years on the 28th day of July, 1966, at Fargo. His wife preceded him in death in 1955. Surviving are: three sons, John W., of 1613 Elm St., Fargo; Leo M. and James R., both of Minneapolis; a daughter, Mrs. N. T. (Lavina) Johnson, 1205 Broadway, Fargo; ten grandchildren and six great-grandchildren.

The members of the Bar and all who knew him mourn the passing of this active and admirable member of our profession.

KERMIT S. PETERSON

K. S. Peterson, the son of Svein Peterson and Jona Peterson, was born in Ambrose, North Dakota, November 25, 1926 and died September 21, 1966.

He attended elementary school and high school at Bottineau, North Dakota. Upon graduation, he volunteered for service in the U.S. Navy and attended Minot State College and the University of Iowa under the Navy V-12 program. He attended the University of North Dakota School of Law from 1948 to 1950.

He went to work for the law firm of Palda & Palda in Minot, North Dakota in the spring of 1950, and was engaged in practice in Minot until his sudden death in September of 1966. At the time of his death, he was 39 years of age and a candidate from Ward County for State Senator.

His career in law over a short span of 16 years was highly successful. He accomplished much during this short period.

He is survived by his wife, Barbara Preston Peterson, his four children; Stefan, Sarajane, Seth and Sabin, and his mother, Jona Peterson.

A. G. PORTER

Death came to Judge A. G. Porter of LaMoure, North Dakota, on November 4, 1966. For over fourteen years Judge Porter had been a Judge of the District Court of the Third Judicial District of the State of North Dakota with his chambers at LaMoure. Prior to that he had been in the active practice of law at Edgeley and LaMoure since 1921.

Judge Porter was born at Willmar, Minnesota, on July 13, 1889. He received his law degree from the University of Minnesota in 1913. He was admitted to the Bar of the State of Washington in 1915 and commenced the practice of law in partnership with his father, Samuel Porter, at Republic, Washington. With the outbreak of World War I Judge Porter returned to the State of Minnesota and for eighteen months was in the Legal Department of the Soo Line Railroad in Minneapolis and in 1919 he moved to Edgeley, North Dakota, and entered the practice of law. He moved to LaMoure in 1938.

Judge Porter served several terms as State's Attorney of LaMoure County,

and was actively interested in politics having served for twenty-five years as Republican State Central Committeeman from LaMoure County. He was an unsuccessful Republican candidate for attorney general in 1940.

Judge Porter came from a talented family in the clerical, educational and legal fields, mostly in the East. His father, Samuel Porter, was a practicing attorney for a great number of years. His grandfather, Giles Porter, who was a Congregational Minister, lived in Minneapolis, Minnesota, for some time. His great uncle, Noah Porter, at one time served as President of Yale University, and his great aunt, Sarah Porter, was the founder of Miss Porter's School for Girls at Farmington, Connecticut.

Judge Porter was preceded in death by his parents, Della and Samuel Porter, and by two sisters, Mabel and Florence, of Pine City, Minnesota. He is survived by his widow, Pearl Porter, whom he married at Spokane, Washington, on December 10, 1915.

Judge Porter was active in civil affairs at both Edgeley and LaMoure, being a member of the Lions Club at Edgeley and the Community Club at LaMoure. He served as president of both groups. He served as president of the Third Judicial Bar Association, and was the first president of the North Dakota Association of District Judges. He was an active member of the Masonic Order and the Eastern Star. Judge Porter was very active in Saint Mark's Episcopal Church at Oakes, North Dakota.

Judge Porter was highly respected by all who knew him both as a man and attorney and judge. He was always kind and gracious to all lawyers who appeared before him and took a special and kindly interest in all young lawyers appearing in his court for the first time. He was called to sit on the Supreme Court, rendering opinions of the court in several cases. He enjoyed a personal friendship with all the lawyers of the Third Judicial District and with a great number of lawyers outside of his district.

He was a gregarious individual, loving company, and would visit for hours discussing legal problems in cases that he had heard and decided. He was generous in his advice to lawyers in their personal and professional problems. All aspiring students of the law who became acquainted with him cherished the personal touch that he accorded the man whom he encouraged to grow into studious and ethical lawyers.

He resigned from the Bench in January, 1963, having reached the age of retirement, and re-entered the practice of law in association with his long-time court reporter Gladys Helmers.

All lawyers who appeared before him and all District Judges and Supreme Court Judges who knew him personally, together with his host of friends, have suffered a great loss in this fine lawyer, learned judge, and devoted husband.

CLYDE L. YOUNG

The North Dakota Bar Association lost one of its members, who had achieved eminence in the state, in the passing of Clyde L. Young on June 11th, 1967, at St. Vincent's Nursing Home in Bismarck, where he had been a resident since the death of Mrs. Young in April, 1962. During his many years of practice in Bismarck, he had always used his fine legal talents in the furtherance of what he conceived to be the best interests of the city, merging the two characters of citizen and lawyer into a high personal combination which has been generally recognized as an example well worthy of emulation.

Mr. Young was born at Mogadore, Ohio, on June 25, 1877, the son of John F. and Amanda M. (Eby) Young. He received his early educational training in the rural schools of St. Joseph County, Michigan, and the public schools of White Pigeon, from the high school of which he was graduated in

1893. He pursued his education at the Michigan State Normal College, Ypsilanti, Michigan, from which he graduated in 1897. During that and the following year, he was principal of the schools at St. John, North Dakota. From 1898 until 1902, Mr. Young was superintendent of schools at Rolla, North Dakota, and in 1902 and 1903 he attended the University of Michigan. In 1903 and 1904 he was superintendent of schools at Evart, Michigan. He studied law in the offices of Burke & Middaugh of Devils Lake, thereafter attending the law school of the University of Minnesota, and the law department at the University of North Dakota. In December, 1906, he was admitted to the bar of North Dakota and practiced his profession at Lansford, North Dakota, until 1909, when he became Assistant Attorney General and moved to Bismarck. He served in that capacity until 1913. His outstanding work as Assistant Attorney General was in the Lignite Coal Rate Case decided in the Supreme Court January 2nd, 1914 (State ex rel McCue v. N.P. Railway Company, 143 N.W. 135). He was a member of the law firm of Newton, Dullam & Young from 1911 to 1927, the firm of Dullam, Young & Burke from 1927 to 1928 and of the firm of Dullam and Young from 1928 to 1939. Thereafter he was in private practice until his retirement in 1961.

Mr. Young was general counsel of Provident Life Insurance Company from 1916 until his retirement, trustee of Jamestown College since 1917, member of State Bar Board from 1923 to 1941, having served longer than any other member on the board. He was president of the Bismarck Zoning Commission in 1923 and president of the Association of Commerce of Bismarck from 1914 to 1916 and again in 1922 until 1924. No one in the community was more active in patriotic work during World War I; he, having served capably and energetically as a Four-Minute speaker. In 1928, he became a National Commissioner on Uniform State Laws, and served in that capacity until 1957. He was Bismarck city attorney from 1923 to 1933 and trustee and secretary of the Bismarck Public Library Board and was referred to as the "father of the Bismarck Public Library," having served continuously on the library's board of directors since its inception in 1916 until he retired in 1961.

Mr. Young was a member of the Burleigh County Bar Association, of which he is a past president; the North Dakota State Bar Association, of which he was president during 1925-1926, and received the association's 50-Year Award in 1956; and of the American Bar Association, having received a gold certificate in recognition of his more than 50 years of continuous membership in said association in 1966. He was president of the North Dakota Children's Code Commission, 1921-1923; president of the North Dakota Conference of Social Welfare in 1923 and 1939; and, served on the North Dakota Code Revision Commission in 1943. He was a member of the North Dakota Judicial Council from 1927 to 1930.

He was affiliated with the Academy of Political Science, Academy of Political and Social Science, Phi Delta Pi, Order of Coif, Newcomen Society of England, Foreign Policy Association, former president of Bismarck-Mandan Executives Club, and of the Bismarck Garden Club. He was a member of the First Presbyterian Church of Bismarck, having served as an elder for many years, and was a past president of the Bismarck Rotary Club.

He was author of "Government of North Dakota and the Nation," a text book which was used in our public schools for many years.

Mr. Young was married to Rosa J. Christie at Alexandria, Minnesota, on August 6, 1902. They celebrated their golden wedding anniversary in Bismarck in 1952. One son, John, was born October 10, 1903, and died October 28, 1923. Mrs. Young died in Bismarck on April 11, 1962. He is survived by his sister, Mrs. Gertrude Shoup of Middlebury, Indiana, and three nieces, Mrs. Hugh Woosley, of Elkhart, Indiana; Mrs. Duane Blough, Goshen, Indiana, and Mrs. William Robinson, Bristol, Indiana, and one nephew, John Shoup, Middlebury, Indiana.

The Bureau of National Affairs, Inc. (BNA)

cordially invites you to try

THE UNITED STATES LAW WEEK

for three months at half the regular rate!

As an attorney, you know the value of facts. That's why the following facts, regarding THE UNITED STATES LAW WEEK, should be particularly meaningful to you:

■ The primary function of LAW WEEK is to safeguard you against missing a single development of legal importance . . . yet to save your time by greatly reducing your reading load!

■ To do this, LAW WEEK's expert staff of lawyer-editors sifts thousands of opinions and rulings week by week, year after year, for the precedent-setting few that make new law. These significant cases are then digested under quick-reference topic headings—such as Antitrust, Taxation, Insurance, Public Contracts, Labor, Transportation, Trade Regulation, Criminal Law, Public Utilities, Railroads—in the appropriate section of LAW WEEK: (1) New Court Decisions, (2) Federal Agency Rulings, or (3) Supreme Court Opinions.

■ To further save your time, the opinions and rulings appearing in all sections of LAW WEEK are highlighted

in a special Summary and Analysis, a five-minute review in which these legal developments are tersely evaluated for their effect on current law.

■ A key feature of LAW WEEK is its high-speed reporting of Opinions of the United States Supreme Court—in full text, accompanied by crisp and accurate summary digests. Mailed the same day they are handed down, these exact photographic reproductions of the Court's Opinions eliminate all possibility of error.

■ LAW WEEK also supplies the full texts of all federal statutes of general interest, immediately after signing by the President.

■ For ease of reference, LAW WEEK is fully indexed by topic and by case title—both for general law and for Supreme Court actions.

If you concur in the opinion that LAW WEEK might be helpful to you, the special introductory rate (three months at half the regular rate) affords you an ideal opportunity to get acquainted with this valuable information service.



For further information, please contact:

**THE BUREAU OF NATIONAL AFFAIRS, INC.
1231 24th St. N.W., Washington, D. C. 20037**

INTENTIONAL BLANK

INTENTIONAL BLANK

INTENTIONAL BLANK

INTENTIONAL BLANK

INTENTIONAL BLANK

INTENTIONAL BLANK

INTENTIONAL BLANK

INTENTIONAL BLANK

INTENTIONAL BLANK

INTENTIONAL BLANK

NORTH DAKOTA LAW REVIEW

Member, National Conference of Law Reviews

VOLUME 44

WINTER 1968

NUMBER 2

BOARD OF EDITORS

DAVID L. PETERSON, *Editor-in-Chief*

ADLAI W. BRINK
Developments Editor

PATRICK W. FISHER
Special Projects Editor

JOHN C. GOLDEN
Recent Case Editor

ROBERT W. KINSEY
Note Editor

MARY SULLIVAN
Articles and Book Review Editor

SURGES VINCE
Business Manager

SENIOR STAFF MEMBERS

Ronald D. Markovits

Dennis A. Schneider

JUNIOR STAFF MEMBERS

Theodore Abe
David Axtman
Bruce Bohlman

Robert Brady
Ronald Carpenter
Daniel McAleer
Richard McKennett

Earle Myers
Richard Peterson
Gerald Rustad

MRS. SUSAN MYERS, *Secretary*

* *

FACULTY ADVISOR

HOWARD FRIEDMAN

* *

The North Dakota Law Review is the
Journal of the

STATE BAR ASSOCIATION OF NORTH DAKOTA

THEODORE KELLOGG, *President*

KENNETH PRINGLE, *Vice President*

JAMES D. SCHLOSSER, *Sec'y.-Treas.*

ALFRED C. SCHULTZ, *Executive Director*

Suite 11, Woolworth Building
Bismarck, North Dakota

* *

The views herein expressed are those of the individual authors and are not necessarily those of the State Bar Association or the University of North Dakota School of Law

THE NORTH DAKOTA LAW REVIEW is published four times a year in November, January, March and May by the University of North Dakota School of Law in co-operation with the State Bar Association of North Dakota.

Communications concerning editorial matters and permission to reprint material contained herein should be addressed to: Editor, North Dakota Law Review, University of North Dakota School of Law, Grand Forks, North Dakota 58201.

Communications concerning business matters and requests for reprints should be addressed to: Business Manager, North Dakota Law Review, University of North Dakota School of Law, Grand Forks, North Dakota 58201. Subscription \$5.00 per volume, \$1.50 per issue. Second class postage paid at Grand Forks, North Dakota.

Subscriptions will be automatically renewed, unless notice of cancellation is received.

Copyright, 1968, by the University of North Dakota School of Law.

